



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2003-37**

October 27, 2003

Teresa Connors
24 Blackhawk Road
South Weymouth, MA 02190

RE: DES Wetlands File #2001-00229 Circuit Road, Ossipee

Dear Ms. Connors:

On October 10, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above-referenced property, more specifically referenced on Town of Ossipee Tax Map 23 as Lot 50.6 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following deficiencies were documented:

1. Approximately 5,400 square feet of forested wetland had been filled without a permit; and
2. A 12" x 20' culvert had been installed in jurisdictional wetland without a permit.

In response, you are requested to take the following actions:

1. By January 1, 2004, submit a restoration proposal to DES for review and approval. Have the restoration proposal prepared by a certified wetland scientist or environmental engineer, and include provisions for removal of the culvert and associated fill. Submit the following with the restoration proposal:
 - a. A plan with dimensions, drawn to scale, showing:
 - i. Existing conditions, with wetland boundaries; and
 - ii. Proposed conditions after reestablishing jurisdictional areas;
 - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc.) and stabilization of the restoration area;
 - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date; and
 - e. A description of the method of documenting at least 75% survival rate of all vegetation planted during the restoration project. This should include, at a minimum, monitoring progress reports for one growing season following completion of the restoration project.

2. Retain a qualified wetland scientist or environmental engineer to supervise the implementation of the restoration plan and to submit restoration progress reports.
3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

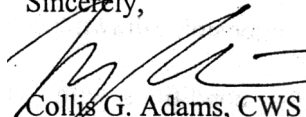
Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows

Linda Magoon
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-4056 or by e-mail at lmagoon@des.state.nh.us.

Sincerely,


Collis G. Adams, CWS
Administrator
DES Wetlands Bureau

enc.: DES inspection report dated 10/10/03

CERTIFIED MAIL 7002 3150 0001 5411 2002

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
Ossipee Conservation Commission
Ossipee Board of Selectmen
David Killoy, USACOE
Matthew Buccella
Ray Suprenard
Gregory Howard, North Country Soil Services